

Edwards & Angell LLP

Mail to P.O. Box 55874
Boston, MA 02225

101 Federal Street Boston, MA 02110 617.439.4444 fax 617.439.4170

Peter C. Lauro

617.517.5509

fax 888.325.9044

plauro@EdwardsAngell.com



December 3, 2004

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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OFFICE OF PETITIONS

Re: U.S. Patent Application No.: 10/729,576
Title: *CELL SURFACE PROTEINS AND USE THEREOF AS INDICATORS OF
ACTIVATION OF CELLULAR SIGNAL TRANSDUCTION PATHWAYS*
Inventor: Kirill Ostanin, *et al.*
Filed: December 1, 2003
Our Ref. No.: 60409CON(50370)

Dear Sir:

I enclose herewith for filing in the above-identified application the following:

1. Response to Notice to File Missing Parts of NonProvisional Application (2 pages, in duplicate);
2. Copy of Notice to File Missing Parts of NonProvisional Application (2 pages);
3. Copy of executed Declaration, Petition and Power of Attorney for Patent Application (6 pages);
4. Request Under 37 C.F.R. § 1.28(c) to Excuse Error in Payment of Small Entity Fees (3 pages);
5. Request for One Month Extension of Time (1 page, in duplicate);
6. Fee Transmittal (1 page);
7. Check in the amount of \$843.00 which includes \$130.00 (surcharge) based on large entity status, \$110.00 large entity fee for a one month extension of time and \$603.00 to cover the difference between the small entity basic filing and extra claims fees and the large entity basic filing and extra claims fees and;
8. Prepaid acknowledgement postcard.

December 3, 2004

Page 2

No additional costs are believed to be due in connection with the filing of this Response to Notice to File Missing Parts of NonProvisional Application. However, please charge any necessary fees in connection with the enclosed statement to our Deposit Order Account No. 04-1105. For this purpose, a duplicate of this sheet is attached.

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Date of Deposit December 3, 2004

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Signature

Peter C. Lauro, Esq.

Please Print Name of Person Signing

Edwards & Angell, LLP
Attorneys at Law

By

Peter C. Lauro, Esq.

Registration No. 32,360

P.O. Box 55874

Boston, MA 02205

Telephone: 617-517-5509

Facsimile: 888-325-9044

Customer No.: 21874

Edwards & Angell_{LLP}

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Signature

Peter C. Lauro, Esq.

Please Print Name of Person Signing

Edwards & Angell, LLP
Attorneys at Law

By

Peter C. Lauro, Esq.

Registration No. 32,360

P.O. Box 55874

Boston, MA 02205

Telephone: 617-517-5509

Facsimile: 888-325-9044

Customer No.: 21874



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FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 843.00

Complete if Known

Application Number 10/729,576-Conf. #9888
Filing Date December 1, 2003
First Named Inventor Kirill Ostanin, et al.
Examiner Name Not Yet Assigned
Art Unit N/A
Attorney Docket No. 60409CON(50370)

RECEIVED

DEC 09 2004

OFFICE OF PETITIONS

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit Account Number 04-1105

Deposit Account Name Edwards & Angell, LLP

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	130.00
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	110.00
1252	430	2252	215	Extension for reply within second month	
1253	980	2253	490	Extension for reply within third month	
1254	1,530	2254	765	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1401	340	2401	170	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	150	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,370	2453	685	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	490	2502	245	Design issue fee	
1503	660	2503	330	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))	
Other fee	specify			1001-\$405.00 and 1202- \$198.00 to cover the difference between the small entity basic filing and extra claims fees and the large entity basic filing and extra claims fees.	603.00

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 843.00

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$) 0.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Fee	Extra Claims	Fee from below	Fee Paid
Independent Claims	** =	x	=	
Multiple Dependent	** =	x	=	

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	88	2201	44	Independent claims in excess of 3	
1203	300	2203	150	Multiple dependent claim, if not paid	
1204	88	2204	44	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$) 0.00

**or number previously paid, if greater; For Reissues, see above

SUBMITTED BY

(Complete (if applicable))

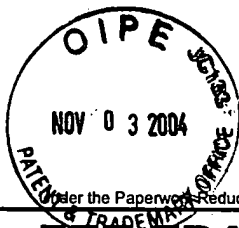
Name (Print/Type) Peter C. Lauro Registration No. 32,360 Telephone (617) 439-4444

Signature Date December 3, 2004

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Dated: December 3, 2004

Signature: Peter C. Lauro (Peter C. Lauro)



PTO/SB/17 (10-04v2)
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FEE TRANSMITTAL for FY 2005

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First Named Inventor Kirill Ostanin, et al.
Examiner Name Not Yet Assigned
Art Unit N/A
Attorney Docket No. 60409CON(50370)

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit Account Number 04-1105

Deposit Account Name Edwards & Angell, LLP

The Director is authorized to: (check all that apply)

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FEE CALCULATION (continued)

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		Extra	Fee from below		Fee Paid
		Claims			
Total Claims	<input type="text"/>	** =	<input type="text"/>	x <input type="text"/>	= <input type="text"/>
Independent Claims	<input type="text"/>	** =	<input type="text"/>	x <input type="text"/>	= <input type="text"/>
Multiple Dependent					= <input type="text"/>

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SUBTOTAL (2) (\$ 0.00

**or number previously paid, if greater; For Reissues, see above

SUBMITTED BY

Name (Print/Type) Peter C. Lauro

Signature

Registration No. (Attorney/Agent)

32,360

(Complete (if applicable))

Telephone (617) 439-4444

Date

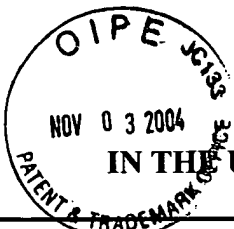
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Dated: December 3, 2004

Signature:

(Peter C. Lauro)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Kirill Ostanin, *et al.*

Serial No.: 10/729,576

Filed: December 1, 2003

For: *Cell Surface Proteins and Use Thereof As Indicators of Activation of Cellular Signal Transduction Pathways*

Attorney Docket No.: 60409CON(50370)

Group Art Unit: Not Assigned

Examiner: Not Assigned

**MAIL STOP MISSING PARTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

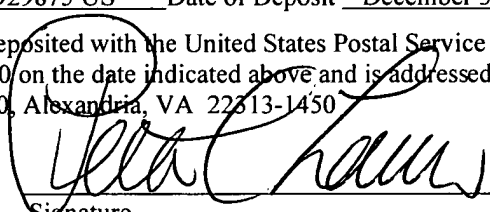
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Peter C. Lauro, Esq.

Please Print Name of Person Signing


Signature

**RESPONSE TO NOTICE TO FILE MISSING
PARTS OF NONPROVISIONAL APPLICATION**

Dear Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application dated September 3, 2004, Applicants enclose a copy of the executed Declaration, Petition and Power of Attorney filed in parent application Ser. No. 09/658,765, filed September 8, 2000. The instant application is a Rule 53(b) continuation of the parent application and claims priority to the parent application pursuant to 35 U.S.C. §120. A copy of the Notice to File Missing Parts of Nonprovisional Application is also enclosed. A Request for a one-month extension of time and the appropriate fee based on large entity status are submitted concurrently herewith

U.S. Serial No. 10/729,576
Attorney Docket No. 60409CON(50370)

At the time the instant application was filed, Applicants claimed small entity status pursuant to 37 C.F.R. §1.27(c), and the basic filing and extra claims fees were paid based on small entity status. However, the claim for small entity status was made in error, and without deceptive intent. Accordingly, Applicants submit concurrently herewith a Request pursuant to 37 C.F.R. §1.28(c) to excuse error in payment of small entity fees.

Applicants also enclose a check in the amount of **\$843.00** which includes \$130.00 (surcharge) based on large entity status, \$110.00 large entity fee for a one month extension of time and \$603.00 to cover the difference between the small entity basic filing and extra claims fees and the large entity basic filing and extra claims fees.

Please charge any underpayments or credit any overpayments associated with this communication to our Deposit Account No. 04-1105. A duplicate of this letter is enclosed.

Respectfully submitted,

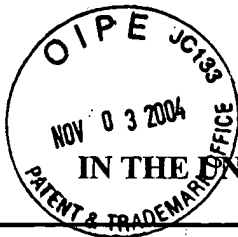
EDWARDS & ANGELL, LLP

A handwritten signature in black ink, appearing to read "Peter C. Lauro", is written over a horizontal line.

Peter C. Lauro, Esq.
Registration No. 32,360
Attorney for Applicants

EDWARDS & ANGELL, LLP
P.O. Box 55874
Boston, MA 02205
Tel. (617) 517-5509

Dated: December 3, 2004



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Kirill Ostanin, *et al.*

Serial No.: 10/729,576

Filed: December 1, 2003

For: *Cell Surface Proteins and Use Thereof As Indicators of Activation of Cellular Signal Transduction Pathways*

Attorney Docket No.: 60409CON(50370)

Group Art Unit: Not Assigned

Examiner: Not Assigned

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Alexandria, VA 22313-1450

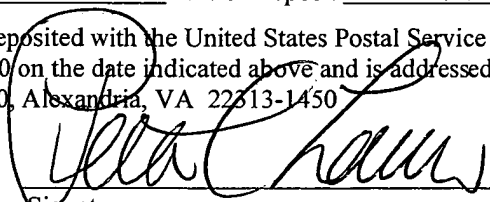
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Peter C. Lauro, Esq.

Please Print Name of Person Signing


Signature

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U.S. Serial No. 10/729,576
Attorney Docket No. 60409CON(50370)

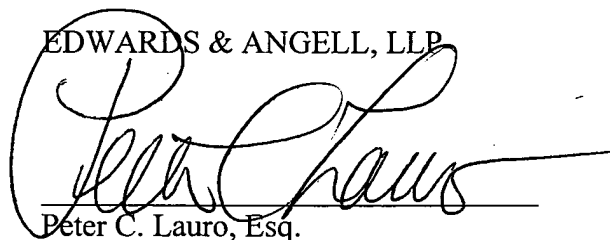
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Please charge any underpayments or credit any overpayments associated with this communication to our Deposit Account No. 04-1105. A duplicate of this letter is enclosed.

Respectfully submitted,

EDWARDS & ANGELL, LLP

A handwritten signature in black ink, appearing to read "Peter C. Lauro", is written over a horizontal line. The signature is fluid and cursive.

Peter C. Lauro, Esq.

Registration No. 32,360

Attorney for Applicants

EDWARDS & ANGELL, LLP
P.O. Box 55874
Boston, MA 02205
Tel. (617) 517-5509

Dated: December 3, 2004



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

2004 DEC -7 PM 1:02

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/729,576	12/01/2003	Kirill Ostanin	50370-60409CON

21874
EDWARDS & ANGELL, LLP
P.O. BOX 55874
BOSTON, MA 02205



CONFIRMATION NO. 9888

FORMALITIES LETTER



PC 000000013714137*

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DEC 09 2004

Date Mailed: 09/03/2004

OFFICE OF PETITIONS

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$65 for a Small Entity

- \$65 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts

Commissioner for Patents

P.O. Box 1450

Alexandria VA 22313-1450

Void date: 12/07/2004 HBERHE

12/07/2004 HBERHE 00000007 10729576

01 FC:1001

02 FC:1051

03 FC:1202

10729576

790.00 OP

130.00 OP

396.00 OP

01/14/2005 AKELLEY 00000003 10729576

02 FC:1051

130.00 OP

A copy of this notice **MUST** be returned with the reply.

Adjustment date: 12/07/2004 HBERHE

12/10/2003 MBIZUNEC 00000000 10729576

01 FC:2001

02 FC:2202

385.00 OP

198.00 OP

12/07/2004 HBERHE 00000007 10729576

01 FC:1001

02 FC:1051

03 FC:1202

790.00 OP

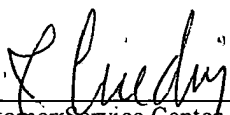
130.00 OP

396.00 OP

843.00 OP

12/08/2004 DILEN 00000003 10729576

01 FC:1051



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE